

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Darlene Robbins

(b) County of Residence of First Listed Plaintiff Bel Air, MD
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jason E. Fine, Esquire, J. Fine Law Group, P.C., Eight Penn Center,
1628 JFK Boulevard, Suite 2120, Philadelphia, PA 19111 (267) 888-2960

DEFENDANTS

Jeremy R. Barlow
Progressive Pipeline Management, LLC

County of Residence of First Listed Defendant Camden, NJ
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Walter H. Swayze, III, Esquire/David A. Yavil, Esquire, Lewis Brisbois
Bisgaard & Smith, LLP, 550 E. Swedesford Road, Suite 270, Wayne,
PA 19087 (215) 977-4100

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 1446 and 1441(a) and 1332

Brief description of cause:

This action involves a MVA involving two vehicles. Plaintiff resides in MD. Defendants reside in NJ.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 5/2/19 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

MAY - 2 2019

EGS

5:19-cv-1956

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 433 Amelanchier Court, Bel Air, MD 21015

Address of Defendant: Barlow - 360 Husted Station Road; Progressive - 101 Linden Street, Wenohah, NJ 08090

Place of Accident, Incident or Transaction: 200 Franklin Street, Strasburg, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions:

- | | | |
|--|-------------------------------|---|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 05/02/2019

[Signature]
Attorney-at-Law / Pro Se Plaintiff

88384

Attorney I.D. # (if applicable)

CIVIL: (Place a ☒ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
 - ☐ 2. FEELA
 - ☐ 3. Jones Act-Personal Injury
 - ☐ 4. Antitrust
 - ☐ 5. Patent
 - ☐ 6. Labor-Management Relations
 - ☐ 7. Civil Rights
 - ☐ 8. Habeas Corpus
 - ☐ 9. Securities Act(s) Cases
 - ☐ 10. Social Security Review Cases
 - ☐ 11. All other Federal Question Cases
- (Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
 - ☐ 2. Airplane Personal Injury
 - ☐ 3. Assault, Defamation
 - ☐ 4. Marine Personal Injury
 - ☒ 5. Motor Vehicle Personal Injury
 - ☐ 6. Other Personal Injury (Please specify): _____
 - ☐ 7. Products Liability
 - ☐ 8. Products Liability - Asbestos
 - ☐ 9. All other Diversity Cases
- (Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____ Attorney-at-Law / Pro Se Plaintiff _____ Attorney I.D. # (if applicable) _____

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 433 Amelanchier Court, Bel Air, MD 21015
 Address of Defendant: Barlow - 360 Husted Station Road; Progressive - 101 Linden Street, Wenohah, NJ 08090
 Place of Accident, Incident or Transaction: 200 Franklin Street, Strasburg, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions:

- | | | |
|--|-------------------------------|---|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 05/02/2019 _____ 88384
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____ Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with E.R.C.P. 38.

MAY - 2 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CASE MANAGEMENT TRACK DESIGNATION FORM**

DARLENE ROBBINS

CIVIL ACTION

v.

JEREMY R. BARLOW and PROGRESSIVE
PIPELINE MANAGEMENT

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ☐
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ☐
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ☒
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ☐
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ☒
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ☐

2019 MAY -2 P 7:51
 USDG EDPA
 RECD CLERK

5/2/19

David A. Yavil

Jeremy R. Barlow and Progressive
Pipeline Management**Date****Attorney-at-law****Attorney for Defendants**

(215) 977-4100

(215) 977-4101

david.yavil@lewisbrisbois.com

Telephone**FAX Number****E-Mail Address**

4811-2361-0773.1 (Civ. 660) 10/02

MAY -2 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARLENE ROBBINS

Plaintiff,

v.

JEREMY R. BARLOW and
PROGRESSIVE PIPELINE
MANAGEMENT

Defendants.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

2019 MAY -2 P 7:57
USDC-EDPA
RECORD CLERK

**DEFENDANTS, JEREMY R. BARLOW AND PROGRESSIVE PIPELINE
MANAGEMENT, LLC'S NOTICE OF REMOVAL**

**TO : THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Pursuant to 28 U.S.C. §1446, §1441(a), and §1332, Defendants, Jeremy R. Barlow and Progressive Pipeline Management, LLC, remove to this Court the above action, pending as a Civil Action No. 181203319 in the Pennsylvania Court of Common Pleas of Philadelphia County. As grounds for removal, Defendants state:

BACKGROUND

1. This Civil Action, arises out of a motor vehicle accident involving two (2) vehicles and commenced on December 31, 2018, and is pending in the Pennsylvania Court of Common Pleas, Philadelphia County, a Court located within this District, under Docket No. 181203319.

2. Defendant, Progressive Pipeline Management, LLC (hereinafter "Progressive"), was served with the Complaint on February 25, 2019 at its principal place of business 101 Linden Street, Wenohah, New Jersey.

3. The undersigned counsel for Defendant, Jeremy R. Barlow, accepted service of Plaintiff's Complaint on his behalf on April 30, 2019.

4. This Court has jurisdiction of this action under 28 U.S.C. §1332, *et seq.*

5. Initially, Plaintiff provided a pre-suit settlement demand of \$60,000.00.

6. Subsequently, on or about April 2, 2018, upon filing her Case Management Conference Memorandum with the Court of Common Pleas, Philadelphia County, Pennsylvania, Plaintiff increased her settlement demand to \$110,000.00, clearly in excess of the jurisdictional minimum.

7. As such, Defendants are filing this Notice of Removal within thirty (30) days of first ascertaining that the matter is one which is removable and within thirty (30) days of service of the Complaint upon Defendant, Jeremy Barlow. See 20 U.S.C. §1446(b)(1) and (3).

8. Moreover, one year has not expired since the commencement of this action.

9. Venue is proper in this Court because the Pennsylvania Court of Common Pleas of Philadelphia County, where this case was originally filed, is in the District. See 28 U.S.C. §1446(a).

10. Pursuant to 28 U.S.C. §1446(a), "a copy of all process, pleadings, and Orders served upon" Defendants prior to filing of this Notice of Removal is attached hereto as Exhibit "A."¹

11. Pursuant to 28 U.S.C. §1446(d), Defendants, Jeremy R. Barlow and Progressive, are serving a copy of this Notice of Removal on all counsel of record. Notice of the filing of this Notice of Removal will be filed with the Clerk of the Pennsylvania Court of Common Pleas of Philadelphia County and a copy is attached hereto as Exhibit "B."

DIVERSITY OF CITIZENSHIP

12. The Diversity of Citizenship requirement under 28 U.S.C. §1332(a) is met.

¹ Plaintiff's Complaint

13. Both Defendants are citizens of the State of New Jersey. Defendant, Jeremy R. Barlow's residence is 360 Husted Station Road, Pittsgrove, New Jersey 08318; and Defendant, Progressive Pipeline Management, LLC, is located at 101 Linden Street, Wenohah, New Jersey 08090. Defendants are citizens of New Jersey or citizens of another State other than the Commonwealth of Pennsylvania within the meaning of 28 U.S.C. §1332.

14. Plaintiff, Darlene Robbins, is a citizen of the State of Maryland, residing at 433 Amelanchier Court, Bel Air, Maryland, 21015. See Exhibit "A" ¶1.

15. Diversity exists under 28 U.S.C. §1332 because the parties are citizens of different States.

16. Removal is proper under 28 U.S.C. §1332(a) as the amount in controversy exceeds \$75,000.00. See U.S.C. §1332.

17. Plaintiff seeks a variety of damages and has set forth a settlement demand of \$110,000.00. See Plaintiff's Case Management Conference Memorandum, attached hereto as Exhibit "C."

18. More specifically, Plaintiff alleges her damages are as follows:

"As a direct and consequential result of the negligent and/or careless conduct of the Defendant Operator, described above, the Plaintiff suffered various serious and permanent personal injuries, serious impairment of bodily function and/or permanent serious disfigurement, all to Plaintiff's great loss and detriment.

16. As a result of these injuries, all of which are permanent in nature and all of which are to Plaintiff's great financial detriment loss, Plaintiff has in the past, is presently and may in the future suffer great anguish, sickness and agony and injuries including but not limited to lumbar, cervical and/or thoracic sprain/strain, other injuries and ills, and will continue to suffer for indefinite time into the future.

17. As an additional result of the carelessness and negligence of Defendant Operator, Plaintiff has suffered emotional injuries, along with the physical injuries suffered.

18. As a further result of Plaintiff's injuries, he/she has in the past, is presently and may in the future undergo a great loss of earnings and/or earning capacity, all to Plaintiff's further loss and detriment."

See Exhibit "A" ¶¶ 15-18.

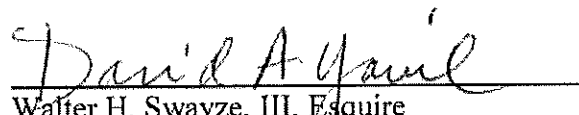
19. Therefore, the matter is removable pursuant to 28 U.S.C. §1332.

WHEREFORE, Defendants, Jeremy R. Barlow and Progressive Pipeline Management, LLC, effect the removal of this action from the Pennsylvania Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Lewis Brisbois Bisgaard & Smith, LLP

By:


Walter H. Swayze, III, Esquire
David A. Yavil, Esquire

Counsel for Defendants,
Jeremey R. Barlow and
Progressive Pipeline Management, LLC

Date: May 2, 2019

EXHIBIT A

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

Case No. 19-01956-EGS
DECEMBER 2018
003319

PLAINTIFF'S NAME DARLENE ROBBINS		DEFENDANT'S NAME JEREMY R.. BARLOW	
PLAINTIFF'S ADDRESS 433 AMELANCHIER CT BEL AIR MD 21015		DEFENDANT'S ADDRESS 360 HUSSED STATION ROAD PITISGROVE NJ 08318	
PLAINTIFF'S NAME		DEFENDANT'S NAME PROGRESSIVE PIPELINE MANAGEMENT	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 101 LINDEN STREET WENONAH NJ 08690	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>DARLENE ROBBINS</u> Papers may be served at the address set forth below.		FILED PROTHONOTARY DEC 31 2018 M. BRYANT	
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY JASON E. FINE		ADDRESS J FINE LAW GROUP, LLC 1628 JFK BOULEVARD SUITE 2120 PHILADELPHIA PA 19103	
PHONE NUMBER (267) 888-2960	FAX NUMBER (267) 687-7018		
SUPREME COURT IDENTIFICATION NO. 82452		E-MAIL ADDRESS filings@jfinelaw.com	
SIGNATURE OF FILING ATTORNEY OR PARTY JASON FINE		DATE SUBMITTED Monday, December 31, 2018, 01:15 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

Case ID: 181203319

J. FINE LAW GROUP, P.C.

BY: Jason E. Fine, Esquire; Attorney ID #: 82452

David M. Bercovitch, Esq.; Attorney ID#:315026

Eight Penn Center, 1628 John F. Kennedy Blvd., Suite 2120

Philadelphia, PA 19103

Phone: (267) 888-2960; Fax: (267) 687-7018

Email: Jason@jfinelaw.com; David@jfinelaw.com

Attorney's Office
 Office of the
 31 pm

DARLENE ROBBINS

433 Amelanchier Ct,

Bel Air, MD 21015

Plaintiff,

v.

JEREMY R. BARLOW

360 Hussed Station Rd.,

Pitistgrove, NJ 08318

and

**PROGRESSIVE PIPELINE
MANAGEMENT**

101 Linden St,

Wenonah, NJ 08690

Defendants.

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY****DECEMBER TERM, 2018
NO.****MAJOR NON-JURY
ASSESSMENT OF DAMAGES
HEARING REQUESTED****NOTICE TO DEFEND****NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
One Reading Center
Philadelphia Pennsylvania 19107
Telephone: (215) 238-1701**

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**ASOCIACIÓN DE LICENCIADOS DE FILADELPHIA
SERVICIO DE REFERENCIA E INFORMACIÓN LEGAL
One Reading Center
Filadelfia, Pennsylvania 19107
Telefono: (215) 238-1701**

J. FINE LAW GROUP, P.C.

Attorneys for Plaintiff

BY: Jason E. Fine, Esquire; Attorney ID #: 82452
David M. Bercovitch, Esq.; Attorney ID#:315026
Eight Penn Center, 1628 John F. Kennedy Blvd., Suite 2120
Philadelphia, PA 19103
Phone: (267) 888-2960; Fax: (267) 687-7018
Email: Jason@jfinelaw.com; David@jfinelaw.com

DARLENE ROBBINS	:	COURT OF COMMON PLEAS
433 Amelanchier Ct,	:	PHILADELPHIA COUNTY
Bel Air, MD 21015	:	
	:	DECEMBER TERM, 2018
Plaintiff,	:	NO.
v.	:	
	:	MAJOR NON-JURY
JEREMY R. BARLOW	:	ASSESSMENT OF DAMAGES
360 Hussed Station Rd.,	:	HEARING REQUESTED
Pitisgrove, NJ 08318	:	
	:	
and	:	
	:	
PROGRESSIVE PIPELINE	:	
MANAGEMENT	:	
101 Linden St,	:	
Wenonah, NJ 08690	:	
	:	
Defendants.	:	

CIVIL ACTION COMPLAINT
2V – MOTOR VEHICLE ACCIDENT

Plaintiff, **DARLENE ROBBINS**, by and through his counsel, J. Fine Law Group, P.C., hereby file this complaint against Defendants and in support thereof avers as follows:

1. **DARLENE ROBBINS**, (hereinafter referred to as "Plaintiff") is a resident of the Commonwealth of Pennsylvania, residing at the above captioned address.
2. Upon information and belief, Defendant vehicle operator, **Jeremy Barlow**, (hereinafter referred to as "Defendant Operator"), is an adult individual residing at the above captioned address.
3. Upon information and belief, defendant, **Progressive Pipeline**

Management, LLC. (hereinafter referred to as "Defendant Owner") is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing and/or qualifying under the laws of the Commonwealth of Pennsylvania, with a registered office for the acceptance of service or a principal place of business at the above captioned address.

Jurisdiction and Venue

4. Venue is appropriate in Philadelphia County, as Defendant Owner, regularly conducts business in Philadelphia County.

5. Venue is appropriate in Philadelphia County pursuant to Pennsylvania Rule of Civil Procedure 2179 and/or Pennsylvania Rule of Civil Procedure 1006(f)(1).

6. Defendant Owner, is subject to the general personal jurisdiction of Philadelphia County, as its activities in said county are continuous and substantial pursuant to 42 Pa.C.S.A. 5301, as they actively and regularly conducts business in Philadelphia County, Pennsylvania.

7. At all times relevant and material to this complaint, Defendant Owner and/or its agencies, and the employees, agents, servants, managers and/or representatives of said defendant and/or its agencies, were the agents, servants, workmen, employees and/or representatives of each other and were acting within the course and scope of said employment and/or agency, and/or were acting for a common purpose or a joint venture.

Common Averments

8. On or about August 21, 2017 Plaintiff, was operating her motor vehicle at or near the 200 block of Franklin Street, Strasburg PA., when Defendant Driver driving a vehicle owned by Defendant Owner, struck plaintiff's vehicle causing plaintiff to suffer permanent and severe injuries.

9. At all times relevant hereto, Defendant Operator and Defendant Owner, owned, leased, controlled and/or had dominion over the vehicle driven by Defendant Operator.

10. Plaintiff brings this action against Defendant operator and Defendant owner by and as a result of its conduct, acts or omissions of its agents, employees, servants, workmen and Defendant Operator.

COUNT ONE – NEGLIGENCE
DARLENE ROBBINS v. JEREMY R. BARLOW

11. Plaintiff, DARLENE ROBBINS, hereby incorporates by reference paragraphs one through ten (1-10) as if fully set forth herein at length.

12. The aforesaid motor vehicle collision was the result of Defendant Operator, negligently and/or carelessly, operating the vehicle in such a manner as to strike Plaintiff.

13. The aforesaid motor vehicle collision was a direct result of the negligence and/or carelessness of the Defendant Operator and not the result of any action or failure to act by the Plaintiff.

14. The negligence, recklessness and/or carelessness of the Defendant Operator, which was the direct cause of the aforesaid motor vehicle collision and the resultant injuries sustained by the Plaintiff, consisted of but is not limited to the following:

- a. failing to properly operate vehicle involved in this accident;
- b. failing to maintain a proper and adequate lookout;
- c. driving at an excessive and unsafe rate of speed under the circumstances;
- d. operating the motor vehicle in a careless, reckless and negligent manner;

- e. failing to have the motor vehicle under the proper control so as to prevent the vehicle from striking the vehicle plaintiff was trying to enter;
- f. failing to keep an adequate and proper lookout;
- g. failing to use due care under the circumstances;
- h. failing to take evasive action in order to avoid impacting with Plaintiff, DARLENE ROBBINS;
- i. violations of the Ordinances of the Municipality of Philadelphia and the Statutes of the Commonwealth of Pennsylvania governing the operation of motor vehicles on the streets and highways; and
- j. failing to maintain an assured clear distance.

15. As a direct and consequential result of the negligent and/or carelessness conduct of the Defendant Operator, described above, the Plaintiff suffered various serious and permanent personal injuries, serious impairment of bodily function and/or permanent serious disfigurement, all to Plaintiff's great loss and detriment.

16. As a result of these injuries, all of which are permanent in nature and all of which are to Plaintiff's great financial detriment and loss, Plaintiff has in the past, is presently and may in the future suffer great anguish, sickness and agony and injuries including but not limited to lumbar, cervical and/or thoracic sprain/strain, other injurers and ills, and will continue to suffer for an indefinite time into the future.

17. As an additional result of the carelessness and negligence of Defendant Operator, Plaintiff has suffered emotional injuries, along with the physical injuries suffered.

18. As a further result of Plaintiff's injuries, he/she has in the past, is presently and may in the future undergo a great loss of earnings and/or earning capacity, all to Plaintiff's further loss and detriment.

19. Furthermore, in addition to all the injuries and losses suffered by Plaintiff, Plaintiff has also incurred or will incur medical, rehabilitative and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits for which he/she makes a claim for payment in the present action.

WHEREFORE, Plaintiff, DARLENE ROBBINS, prays for judgment in his favor and against Defendant Operator, RIJAN JACOBS, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all costs and other relief this court deems necessary. this Court may deem appropriate.

COUNT TWO – RESPONDENT SUPERIOR
DARLENE ROBBINS v. PROGRESSIVE PIPELINE MANAGEMENT, LLC.

20. Plaintiff, DARLENE ROBBINS, hereby incorporates by reference paragraphs one through nineteen (1-19) as if fully set forth herein at length.

21. At all times relevant hereto, Defendant Operator was the employee, servant, or otherwise an agent of Defendant Owner; and moreover, at all times relevant hereto, Defendant Operator was acting within the scope of said employment or agency.

WHEREFORE, Plaintiff, DARLENE ROBBINS, demands damages of the Defendants, individually, jointly and/or severally, in a sum in excess of \$50,000.00 plus interest, costs and any other relief which this Court may deem appropriate.

COUNT THREE– NEGLIGENT ENTRUSTMENT
DARLENE ROBBINS v. PROGRESSIVE PIPELINE MANAGEMENT,
LLC.

22. Plaintiff, DARLENE ROBBINS, hereby incorporates by reference paragraphs one through twenty-one (1-21) as if fully set forth herein at length.

23. The negligence and carelessness of Defendant Owner consisted of, inter alia, the following:

- (a) negligently entrusting their vehicle to an individual who was not equipped

to operate their vehicle safely and/or with due care for others;

(b) negligently entrusting their vehicle to an individual who exhibited a disregard for the safety and well-being of others; and

(c) failing to properly train and/or instruct Defendant Operator in the safe operation and usage of his motor vehicle.

26. As a direct and proximate cause of the aforesaid negligence of Defendant, Progressive Pipeline Management, LLC, Plaintiff, DARLENE ROBBINS, suffered damages as more fully described infra.

WHEREFORE, Plaintiff, DARLENE ROBBINS, demands damages of the Defendants, individually, jointly and/or severally, in a sum in excess of \$50,000.00 plus interest, costs and any other relief which this Court may deem appropriate.

J FINE LAW GROUP, P.C.

Date: December 24, 2018

/s/
JASON E. FINE, ESQUIRE
DAVID M. BERCOVITCH, ESQUIRE
Attorneys for Plaintiff

VERIFICATION PURSUANT TO PA. R.C.P. 1024(c)

I, David M. Bercovitch, Esq., VERIFY that the averments of fact contained in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief, based upon information provided to me by DARLENE ROBBINS, who is outside the jurisdiction and whose verification cannot be obtained within the time allowed for filing. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

J FINE LAW GROUP, P.C.

Date: December 24, 2018

/s/
JASON E. FINE, ESQUIRE
DAVID M. BERCOVITCH, ESQUIRE
Attorneys for Plaintiff

EXHIBIT B

Walter H. Swayze, III, Esquire
pete.swayze@lewisbrisbois.com
Attorney Identification No. 59101
David A. Yavil, Esquire
david.yavil@lewisbrisbois.com
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Lewis Brisbois Bisgaard & Smith, LLP
550 E. Swedesford Road, Suite 270
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(215) 977-4100
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Counsel for Defendants,
Jeremy R. Barlow and
Progressive Pipeline Management, LLC

DARLENE ROBBINS	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY (PA)
Plaintiff,	:	
	:	DECEMBER TERM, 2018
v.	:	
	:	NO. 03319
JEREMY R. BARLOW and	:	
PROGRESSIVE PIPELINE	:	
MANAGEMENT	:	
	:	
Defendants.	:	

NOTICE OF FILING OF REMOVAL

**TO: OFFICE OF THE PROTHONORARY
COURT OF COMMON PLEAS, PHILADELPHIA COUNTY**

Pursuant to 28 U.S.C. §1446, Defendants, Jeremy R. Barlow and Progressive Pipeline Management, LLC, filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania on May 2, 2019. A certified copy of the Notice of Removal is attached hereto as Exhibit "A."

Lewis, Brisbois, Bisgaard, & Smith, LLP

By: *David A. Yavil*
Walter H. Swayze, III, Esquire
David A. Yavil, Esquire

Counsel for Defendants,
Jeremy R. Barlow and
Progressive Pipeline Management, LLC

Date: May 2, 2019

CERTIFICATION OF SERVICE

I hereby certify that on this 2nd day of May, 2019, I electronically filed Defendants' Notice of Filing of Notice of Removal with the Prothonotary using the Philadelphia Courts Electronic Filing System, which will automatically send notification of such filing to all counsel of record registered with the Philadelphia Courts Electronic Filing System, as noted below. Any counsel of record listed below that is not registered with the Philadelphia Courts Electronic Filing System has been served by via first class mail, postage pre-paid.

Jason E. Fine, Esquire
David M. Bercovitch, Esquire
J. Fine Law Group, P.C.
Eight Penn Center
1628 John F. Kennedy Boulevard, Suit 2120
Philadelphia, PA 19111
Counsel for Plaintiff

Lewis, Brisbois, Bisgaard, & Smith, LLP

By: David A. Yavil
David A. Yavil, Esquire

EXHIBIT C

02 APR 2019 06:18 pm

Civil Administration

M. GRAHAM

J. FINE LAW GROUP, P.C.By: Jason E. Fine, Esquire
Attorney ID No. 82452jason@jfinelaw.com

David M. Bercovitch, Esquire

Attorney Id No. 315026

david@jfinelaw.com*Attorneys for Plaintiff*

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Philadelphia, PA 19111

Phone: 267-888-2960

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DARLENE ROBBINS

Plaintiff

v.

JEREMY R. BARLOW and
PROGRESSIVE PIPELINE
MANAGEMENT

Defendants.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

NO. 181203319

**CASE MANAGEMENT CONFERENCE
MEMORANDUM****PART A**

(To be completed in Personal Injury Cases)

Filing party: Plaintiff, Darlene Robbins

By: David M. Bercovitch, Esquire

Counsel's Address:

1628 JFK Blvd
Suite 2120
Phila, PA 19103
267-888-2960

1. Date of accident or occurrence:
(a). Age of Plaintiff (s):

8/21/17
DOB: 12/10/57

2. Most serious injuries sustained:

Occult scaphoid fracture

3. Is there any permanent injury claimed:

 x Yes No

If yes, indicate the type of permanent injury:

Please see above.

4. Dates of medical treatment: 8/21/17 – 10/26/17
5. Is medical treatment continuing? ☒ Yes ☐ No
6. Has there been an inpatient hospitalization? ☐ Yes ☒ No
7. Has there been any surgery? No.
8. Approximate medical bills to date? \$11,662.41
- Approximate medical bills recoverable in this case: TBD
9. Are there any existing liens (Workers Compensation, DPW, Medical, etc.)? ☐ Yes ☐ No
- If yes, what type and approximate amount? TBD
10. Time lost from work: Yes.
11. Approximate past wage loss: \$3,573.14
12. Is there a claim for future lost earning capacity? ☒ Yes ☐ No
- If yes, approximate future lost earning capacity: TBD
13. Are there any related cases or claims pending? ☐ Yes ☒ No
If so, list captions(s) or other appropriate identifier:
14. Do you anticipate joining additional parties? ☐ Yes ☒ No
15. Plaintiff's factual position as to liability:

On or about August 21, 2017 Plaintiff, was operating her motor vehicle at or near the 200 block of Franklin Street, Strasburg PA., when Defendant Driver driving a vehicle owned by Defendant Owner, struck plaintiff's vehicle causing plaintiff to suffer permanent and severe injuries.

16. Defense position as to causation of injuries alleged: Defendant is left to their proof.
17. Identify all applicable insurance coverage:

Defendant	Insurance Carrier	Coverage Limits
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Are there issues as the applicability of the above insurance coverage:

_____ Yes X No

18. Demand: \$110,000

Offer: 0

J. FINE LAW GROUP, PC

BY: /s/
DAVID M. BERCOVITCH, ESQUIRE